

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
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JOSEPH TUMINELLO,  
  
Plaintiff,

Civ. Act. No.: 13 CIV 938 (KBF)(JCF)

**NOTICE OF MOTION**

-against-

AETNA LIFE INSURANCE COMPNAY,  
  
Defendants.

DOCUMENT  
**ELECTRONICALLY FILED**

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**PLEASE TAKE NOTICE** that, Plaintiff Joseph Tuminello, by and through his attorneys, will move this Court to Stay the Proceedings Pending the U.S. Supreme Court's Decision in *Heimeshoff v. Hartford*, before the Honorable Katherine B. Forrest at the United States District Court, Southern District of New York, located at 500 Pearl Street, New York, New York 10007, at a date and time to be set by this Court. Filed with this Notice is the Motion to Stay and an accompanying Memorandum of Law. Plaintiff moves for an Order granting Plaintiff's Motion to Stay, and for such other further relief as this Court may deem just and proper.

DATED: August 6, 2013

Respectfully submitted,

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Attorneys for Defendant Aetna Insurance Company

**CERTIFICATE OF SERVICE**

I, Marc S. Whitehead, hereby certify and affirm that a true and correct copy of the attached **NOTICE OF MOTION** was served via ECF and Overnight Mail on August 6, 2013, upon the following parties:

/s/ Marc S. Whitehead  
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